



Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York



Buffalo Division

J.H.'s Power Of Attorney

Case No.

21 CV 6250

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Logan Yotter, et al.

(see attached)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Logan Yotter, Laura Schuler, Holly Walker, Patricia Burdick, Julie Snyder, Anthony Pittman, Adam Piedmont, Officer Litten, Andrew Cuomo, Letitia James, Miguel Bermudez, Kendra DiTullio, John Doe, David Balduf, Matthew Streckewald, Michelle Roman, Richard Roe, Dillon Olear, Michael Costello, Mitchell Pagen, Sue A. Mawhiney, Toby Trowbridge, Michael Stover, Lieutenant Belling, John Roe,

Megan T. Lutz, Tricia E. Lipa, Staci Henry, Billie Tylec, Traci Taylor, David J. Haylett Jr., Benjamin Bunker, Debra Stephenson, Darlene C. Gurnett, Michael J. Filicetti, Thomas Battaglia, Michael P. Dunn, Richard E. Updegrove, Edward Finley, Talon Zuchlewski, City of Lockport, State of New York, County of Niagara, Lockport Police Department, Niagara County Sheriff's Office

Irene M. Myers, Rebecca J. Wydysh, Mark J. Grozio, Owen T. Steed, Christopher A. Robins, Dennis F. Virtuoso, Jesse P. Gooch, Richard L. Andres, Randy R. Bradt, David E. Godfrey, Anthony J. Nemi, William J. Collins Sr, Anita Mullane, John Syracuse, Michael A. Hill, Steven K. Abbott, John Doe II, John Doe III, John Doe IV, John Doe V, John Doe VI, John Doe VII, John Doe VIII, John Doe IX, John Doe X, John Doe XI, John Doe XII, John Doe XIII, John Doe XIV, John Doe XV

Individual and Official Liability

Logan Yotter, in his individual capacity; Laura Schuler, in her individual capacity;
Holly Walker, in her individual capacity; Patricia Burdick, in her individual capacity;

Julie Snyder, in her individual capacity; Anthony Pittman, in his individual capacity;
Adam Piedmont, in his individual capacity; Officer Litten, in his individual capacity;
Andrew Cuomo, in his individual capacity; Letitia James, in her individual capacity
Miguel Bermudez, in his individual capacity Kendra DiTullio, in her individual capacity
John Doe, in his individual capacity; David Balduf, in his individual capacity;
Matthew Streckewald, in his individual capacity; Michelle Roman, in her individual capacity
Richard Roe, in his individual capacity; Dillon Olear, in his individual capacity;
Michael Costello, in his individual capacity; Mitchell Pagen, in his individual capacity;
Sue A. Mawhiney, in her individual capacity, Toby Trowbridge, in his individual capacity;
Michael Stover, in his individual capacity; Lieutenant Belling, in his individual capacity
John Roe, in his individual capacity;

Megan T. Lutz, in her individual capacity; Tricia E. Lippa, in her individual capacity
Staci Henry,
Billie Tylec, in his individual capacity; Traci Taylor, in her individual capacity
David J. Haylett Jr. , in his individual capacity; Benjamin Bunker, in his individual
capacity;
Debra Stephenson, in her individual capacity; Darlene C. Gurnett, in her individual
capacity;
Michael J. Filicetti, in his individual capacity; Thomas Battaglia, in his individual
capacity;
Michael P. Dunn, in his individual capacity; Richard E. Updegrove, in his individual
capacity; Edward Finley, in his individual capacity;
Talon Zuchlewski, in his individual capacity; Lockport Police Department in its official
capacity;
City of Lockport, in its official capacity; State of New York, in its official capacity;
County of Niagara, in its official capacity; Lockport Police Department, in its official
capacity;
Niagara County Sheriff's Office, its in its individual capacity

Irene M. Myers, in his individual capacity; Rebecca J. Wydysh, in his individual capacity;
Mark J. Grozio, in his individual capacity; Owen T. Steed, in his individual capacity
Christopher A. Robins, in its individual capacity
Dennis F. Virtuoso, in its individual capacity; Jesse P. Gooch, in his individual capacity;
Richard L.Andres, in his individual capacity; Randy R. Bradt. David E. Godfrey;
Athony J. Nemi, in his individual capacity; William J. Collins Sr, in his individual
capacity Anita Mullane, in her individual capacity; John Syracuse, in his individual
capacity;
Michael A. Hill, in his individual capacity; Steven K. Abbott, in his individual capacity,
John Doe II, in his individual capacity; John Doe II, in his individual capacity;
John Doe III, in his individual capacity; John Doe IV, in his individual capacity; John
Doe V, in his individual capacity; John Doe VI, in his individual capacity; John Doe VII,
in his individual capacity;
John Doe VIII, in his individual capacity; John Doe IX, in his individual capacity; John
Doe X, in his individual capacity; John Doe XI, in his individual capacity; John Doe XII,
in his individual capacity;
John Doe XIII in his individual capacity; John Doe XIV, in his individual capacity; John
Doe XV; in his individual capacity

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	John Henry's Power of Attorney		
Address	154 East Ave		
	Brockport	NY	14420
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Monroe		
Telephone Number	5857057661		
E-Mail Address	johnhenryattorney@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Logan Yotter		
Job or Title (if known)	Officer, Lockport Police Department		
Address	1 Locks Plaza		
	Lockport	NY	
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Niagara		
Telephone Number			
E-Mail Address (if known)			
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

Defendant No. 2

Name	Holly Walker		
Job or Title (if known)			
Address	20 East Ave		
	Lockport	NY	14094
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Niagara		
Telephone Number			
E-Mail Address (if known)			
<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity			

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
- Lockport Police Department, Niagara County Social Services, and their officials and employees willingly acted under color of state law by ordering and carrying out the malicious kidnapping and false imprisonment of J. H. . Subsequently, J. H.'s 1st, 4th, 5th, 8th, 9th, and 13th constitutional rights were violated.

see attached

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Lockport, New York

- B. What date and approximate time did the events giving rise to your claim(s) occur?
October 29, 2020 at around 10:AM

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)
- This complaint is based on the police tensions., brutality, and violence amid a pandemic that is put in public view every day around the world. Names that are put on public view like George Floyd, Rashawn Brooks, Troy Hodge, are hard to miss, and disregarded by the Lockport Police Department. On October 29th I was harassed, humiliated, violated, put through unusual unfair punishment by the likeliness of the Lockport Police Department, Anthony Pittman, Miguel Bermudez, Dennis Henry, Holly Walker, an unidentified Niagara County Social Services worker, Logan Yotter, and Niagara County Sheriff's Department. They purposely agreeously, maliciously, conspired to harass, and humiliate and violate countless of my constitutional rights. These actions were racially discriminatory, and in discriminatory nature motivated. The discrimination was also based on familial status. These actions were done with depraved indifference not valuing the life, needs, or nourishment of a human being Lockport Police Department has a history of harassing, brutalizing, terrorizing, and systematically oppressing J.H and citizens of Lockport, New York.

see attached

On October 29th the Lockport Police Department terrorized, coerced, and threatened J.H. for 14 hours against his permission and against his will. The Lockport Police Department and Niagara County Social Services, and its employees had no legal authority to in anyway remove J.H. from his dwelling and household goods. The Lockport Police Department and Niagara County Social Services did not have the authority to have J.H. do anything he didn't want to, and furthermore were acting unconstitutionally and using government funded firearms, handcuffs, pepper spray, uniforms, and databases to intimidate , harrass, coerce and threaten J.H. Miguel Bermudez, Anthony Pittman, and Lockport Police Department threatened to kick John Henry's door down in "30 seconds" to kick John Henry's door down, barge in, and arrest him, in order to remove John Henry from his own home. John Henry was told the reason for this deadly force was because they've(Lockport Police Department) been there too long. ~~They were told~~ This was a threat of deadly force. The way the situation was set up, and the history of Lockport Police Department, and police departments, plaintiff alleges this could easily have turned into a deadly encounter. Plaintiff alleges there would be a significant threat of great bodily harm for J.H. when Miguel Bermudez and Anthony Pittman kicked down his door, and violently arrested him. J.H was acting with-in his constitutional rights on October 29, 2020, and was not obligated to follow any orders that he did not want to follow.

Lockport Police Department and Niagara County Social Services are hereby demanded to produce the names, identities, and nationalities of each person from their department that interacted with John Henry on October 29th, 2020.

The Lockport Police Department, Niagara County Social Services, and Niagara County Sheriffs Department are obstructing justice by not identifying John Doe, the unidentified defendant who is employed at Niagara County Social Services. This defendant conspired with Holly Walker, ~~the~~ the Lockport Police Department, and Niagara County Social Services to violate John Henry's constitutional rights under color of law.

Civil Disobedience, and Peaceful Protest are constitutional rights of J.H. J.H. practiced those said constitutional rights and was brutalized, terrorized, and threatened for it.

J.H. wasn't given notice of any eviction, was not comitting a crime, and was within his constitutional rights to travel freely within his dwelling as he pleased. J.H. was within his rights to stay inside his house. J.H. did not want to leave. The Lockport Police Department and Niagara County Social Services's employees are employed as public servants and are acting from a posititon of public trust to violate J.H.'s constitutional rights. This was all done under the color of law.

The Lockport Police Department and Niagara County Social Services determinations and deliberations were malicious, unconstitutional, and discriminatory in nature, on the basis of race, age, and familial status. Plaintiff has an abundance of video,

pictures, and case law to prove his claims.

City of Lockport, Lockport Police Department, Niagara County Social Services, Niagara County, Niagara County Sheriff's Department, New York State, and their public officials will be listed as defendants in this complaint for aiding, abetting, and protecting the individuals responsible for the egregious constitutional violations alleged in this complaint.

J.H. has reported the facts in this complaint to the office of the New York State Attorney General, Letitia James, the Lockport Police Department, Niagara County Social Services, and Niagara County Sheriff's Department, and their respective officials continue to remain unaccountable under equal protection of the law as provided in the constitution of the United States.

On October 29th, 2020, J.H did get on the phone with the Niagara County Sheriffs Department in order to get an independant investigation done on the situation and facts regarding such.

J.H. was told that he can not summon an official from the Niagara County Sheriff's Department and was continuously railroaded, and denied. Niagara County Sheriffs Department has a responsibility to provide J.H. equal protection and a redress of grievances as provided in the federal constitution. Niagara County Sheriff's Department clearly implemented a decision and regulation officially adopted and promulgated by members of said department. J.H. asked to speak to a member of Niagara County Sheriff's Department and was denied and railroaded. Niagara County Sheriffs Department would, however, have responded to a call from the Lockport Police Department, to further arrest, restrict, and sanction J.H. Because of Niagara County Sheriff's Department negligence and refusal to comply with constitutional obligations, J.H further went on to continuously be detained, arrested, and kidnapped by the Lockport Police Department. Niagara County Sheriffs Department had and has a duty to arrest and interrogate the respective officials of the Lockport Police Department and Niagara County Social Services. This would be done under equal protection of the laws as provided in the constitution.

These unconstitutional actions clearly implemented a decision and regulation officially adopted and promulgated by the Lockport Police Department and Niagara County Social Services. The Lockport Police Department and Niagara County Social Services are both corrupt organizations, and their officials, employees, and servants are systematically aiding and abetting corruption, without any accountability and are denying J.H the right to equal protection under the laws as provided in the constitution. Niagara County Sheriff's Department is joined as protection to Lockport Police Department and Niagara County Social Services, in

which they work closely together with, and aid and abet.

Holly Walker willingly, and under color of law deliberated, and executed a plan to violate J.H.'s constitutional rights and put his life in jeopardy.

Holly Walker refused to identify herself.

Holly Walker refused to identify John Doe, her acquaintance that she imposed under color of law to determine, decide, and deliberate the constitutional rights and fate of J.H.

Holly Walker is a Niagara County Social Services employee and was present and involved in violating J.H.'s constitutional rights under color of law.

John Doe is an unidentified Niagara County Social Services employee and was present and involved on October 29th, 2020 in violating J.H.'s constitutional rights under color of law. John Doe refused to identify himself.

John Doe willingly acted under color of law to deliberate and execute a plan to violate J.H.'s constitutional rights and put his life and liberty in jeopardy.

John Doe is the unidentified worker that was with Holly Walker

John Docs II-XV are unidentified Lockport, Niagara County, and New York State ~~these~~ officials. They will be named

when discovery commences, and these respective government agencies identify their personnel ~~personnel~~

Plaintiff would like a full personnel list from these government agencies.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Chronic pain in J.H's legs

Chronic pain in J.H's back

J.H experiences Severe Emotional distress and mental anguish from the events described.

J.H experiences Severe Depression from the events described.

J.H experiences severe adjustment disorder from the events described.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am seeking \$15,000,000 in general damages and \$2,000,000 in punitive damages from each defendant named in their individual capacity. The basis for compensation is the malicious kidnappings, violation of rights, and systematic inability to report the persons responsible for violating my rights. Local officials provide no way to redress my grievance, and are joined as protection to defendants acting under color of law. Steven Abbott, the recognized Chief of the Lockport Police Department, is incompetent to make fair and impartial decisions regarding the discipline, criminal, and civil, accountability of the Lockport Police Department. There were escalation tactics used, and deadly force threatened on a minor without due process, and without a crime ever being committed by said minor. J.H was refused equal protection as provided in the Constitution.

I am seeking \$150,000,000 in damages from City of Lockport in its official capacity. I am seeking \$150,000,000 damages from County of Niagara, in its official capacity. I am seeking \$150,000,000 in damages from Lockport Police Department, in its official capacity. I am seeking \$150,000,000 in damages from State of New York in its official capacity. I am seeking \$150,000,000 in damages from Niagara County Sheriff's Office in its official capacity.

The basis for these claims is the repeated mental anguish, humiliation, along with the willful, egregious, and systematic violation of J.H's constitutional rights. J.H was threatened with deadly force, without committing a crime. These egregious violations are basis for these claims.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 03/01/2021

Signature of Plaintiff

J. H.

Printed Name of Plaintiff

J.H's Power Of Attorney

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

Carroll v. U.S., 267 US 132 (1925)

Probable Cause to Search - Provides details on the belief that seizable property exists in a particular place or on a particular person.

Draper v. U.S. (1959)

Probable cause is where known facts and circumstances, of a reasonably trustworthy nature, are sufficient to justify a man of reasonable caution in the belief that a crime has been or is being committed. *Reasonable man definition*; common textbook definition; comes from this case.

Davis v. Wechler, 263 U.S. 22, 24; Stromberb v. California, 283 U.S. 359; NAACP v.

Alabama, 375 U.S. 449 "The assertion of federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice."

Elmore v. McCammon (1986) 640 F. Supp. 905

"... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws."

Haines v. Kerner, 404 U.S. 519 (1972)

"Allegations such as those asserted by petitioner, however in artfully pleaded, are sufficient"...
"which we hold to less stringent standards than formal pleadings drafted by lawyers."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co.,

151 Fed 2nd 240 ; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Puckett v. Cox, 456 F. 2d 233 (1972) (6th Cir. USCA)

It was held that a pro se complaint requires a less stringent reading than one drafted by a lawyer per Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section).

Sims v. Aherns, 271 SW 720 (1925) "The practice of law is an occupation of common right."
"Because of what appcars to be a lawful command on the surface, many Citizens, because of their respect for what appears to be law, are cunningly coerced into waiving their rights due to ignorance."

US v Minker, 350 US 179 at 187(1956)

◆ Supreme Court of the United States 1795 "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no

that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not waiver."

Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." "The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but, the individual's rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed."

Redfield v Fisher, 292 P 813, at 819 [1930] "...an officer may be held liable in damages to any person injured in consequence of a breach of any of the duties connected with his office...The liability for nonfeasance, misfeasance, and for malfeasance in office is in his 'individual' , not his official capacity..."

70 Am. Jur. 2nd Sec. 50, VII Civil Liability

"Fraud destroys the validity of everything into which it enters,"

Nudd v. Burrows, 91 U.S 426. "Fraud vitiates everything"

Boyce v. Grundy, 3 Pet. 210 "Fraud vitiates the most solemn contracts, documents and even judgments."

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity (See, **Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21**; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law, it is ludicrous for learned officials and judges to plead ignorance of the law therefore there is no immunity, judicial or otherwise, in matters of rights secured by the Constitution for the United States of America. See: **Title 42 U.S.C. Sec. 1983.** "When lawsuits are brought against federal officials, they must be brought against them in their "individual" capacity not their official capacity. When federal officials perpetrate constitutional torts, they do so *ultra vires* (beyond the powers) and lose the shield of immunity."

Williamson v. U.S. Department of Agriculture, 815 F.2d. 369, ACLU Foundation v. Barr, 952 F.2d. 457, 293 U.S. App. DC 101, (CA DC 1991).

"It is the duty of all officials whether legislative, judicial, executive, administrative, or ministerial to so perform every official act as not to violate constitutional provisions."

Montgomery v state 55 Fla. 97-45S0.879

a. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible.

CONSTITUTIONAL CASE LAW

Bennett v. Boggs, 1 Baldw 60, "Statutes that violate the plain and obvious principles of common right and common reason are null and void". Would we not say that these judicial decisions are straight to the point --that there is no lawful method for government to put restrictions or limitations on rights belonging to the people? Other cases are even more straight forward: "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of practice."

Davis v. Wechsler , 263 US 22, 24. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them."

Miranda v. Arizona, 384 US 436, 491. "The claim and exercise of a constitutional right cannot be converted into a crime."

Miller v. US, 230 F 486, 489. "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."

Sherer v. Cullen , 481 F 946. We could go on, quoting court decision after court decision, however, the Constitution itself answers our question ♦ Can a government legally put restrictions on the rights of the American people at anytime, for any reason? The answer is found in Article Six of the U.S. Constitution: **Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603** "Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."

Norton v. Shelby County , 118 U.S. 425 p. 442

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."

Sherar v. Cullen , 481 F. 2d 946 (1973)

"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights."

Simmons v. United States , 390 U.S. 377 (1968)

"The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law".

Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Note: Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason.

The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". See also *In Re Sawyer*, 124 U.S. 200 (188); *U.S. v. Will*, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); *Cohens v. Virginia*,

14202

U.S. POSTAGE PAID
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BROCKPORT, NY
14420
MAR 15, 21
AMOUNT
\$4.55
R2304M111467-05

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL®

7019 2970 0001 7093 8876

USDC - WDNV
MAR 17 2021
BUFFALO

US District Court WDNV
2 Niagara Square
Buffalo, NY 14202

John Henry
154 East Ave
Brockport, NY

14420

There's
no
envelope

14202

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

J.H's Power of Attorney

(b) County of Residence of First Listed Plaintiff Monroe
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Logan Yotter, et al.

County of Residence of First Listed Defendant Niagara
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for:

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle			<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983; 42 USC 1985; 42 USC 1986

Brief description of cause:

Suit for malicious kidnapping, terrorization of J.H. Suit for violation of J.H's 1st, 4th, 5th, 8th, 9th, and 13th constitutional rights.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
see attached

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/01/2021

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE